

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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| PEOPLE'S UNITED EQUIPMENT | § | |
| FINANCE CORP., | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| VS. | § | CIVIL ACTION H-11-374 |
| | § | |
| SEMINOLE-CIVIL, INC., LEE BOWEN, | § | |
| JR., AND MARK W. BOWEN, | § | |
| | § | |
| Defendants. | § | |

OPINION AND ORDER

Pending before the Court in the above referenced action, arising out of a default on a promissory note provided to Seminole-Civil, Inc. and guaranteed by Defendants Lee Bowen, Jr. and Mark W. Bowen, is Plaintiff People's United Equipment Finance Corp.'s motion to strike answer of Seminole-Civil, Inc, and for default judgment (instrument #13).

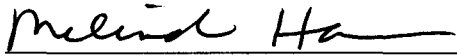
The Court agrees with Plaintiff that in federal court a corporation cannot proceed *pro se*, but must be represented by counsel. *Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 and n.4 (5th Cir. 2004), *citing Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993) ("the lower courts have uniformly held that 28 U.S.C. § 1654 . . . does not allow corporations, partnerships, or associations to appear in federal court otherwise than by counsel"). *See also, e.g., Lattanzio v. COMTA*, 481 F.3d 137, 139-40 (2d Cir. 2007), *citing Eagle Assoc. v. Bank of Montreal* 926 F.2d

1305, 1308 (2d Cir. 1991).

Nevertheless a court should not dismiss claims with prejudice or strike pleadings simply because the corporation is not represented by an attorney. *Memon*, 385 F.3d at 873-74. If the court considers dismissing a case or striking a defendant's pleadings because of a lack of representation by counsel, the court should warn the party that it must retain counsel before turning to such a harsh sanction. *Id.* (and cases cited therein).

Accordingly, the Court grants Seminole-Civil Inc. thirty days to obtain counsel and for that attorney to make an appearance. If it fails to do so, the Court will grant Plaintiff's motion.

SIGNED at Houston, Texas, this 24th day of June, 2011.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE